

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.8988 OF 1997

RAMPURA GRAM PANCHAYAT & ORS.

VERSUS

THE STATE OF GUJARAT & ORS.

Appearance:

MR BM MANGUKIA for Petitioners

CORAM: MR.JUSTICE S.K.KESHOTE

Date of Order:19/01/1998

C.A.V. ORDER

Heard learned counsel for the petitioners

2. In all six different Gram Panchayats of District Ahmedabad filed this Special Civil Application before this Court and challenge has been made to the Notification of the State Government dated 4th December 1997, under which the Taluka head quarter has been changed from Rampura (Bhankoda) to Detroj.

3. The petitioners have come up with the case that the State Government, vide its Notification dated 15.12.97, has constituted Rampura Taluka and fixed its head quarter at village Rampura. Under the impugned Notification, under the influence of some politically interested persons, the said head quarter has been changed from Rampura to Detroj. So from the facts stated in this Special Civil Application, it comes out that the petitioners have not felt aggrieved of constitution and creation of Rampura Taluka but their only grievance is regarding its head quarter. So their grievance is against the action of the State Government and as such, it is a fight in between the State Government on one hand and the Panchayats on the other hand. In such matters, in many of the cases, this Court has decided that direct approach to this Court is difficult to appreciate. However, normally in such matters, where the head quarter of a Taluka should have been is the concern of the State government and the petitioners may not have the locus-standi to make such grievance, but still I am not

expressing any final opinion in the matter as what I feel is that in such matter, the petitioners should first approach the State Government, and the State Government should decide the representation made by petitioners, by constituting a high powered committee under the Chairmanship of its Chief Secretary and other members, namely, Secretary to the Panchayat and Rural Housing Department and Law Secretary. However, the Committee should take care to give opportunity of hearing to all the affected persons as far as possible and thereafter pass the final orders. In case still the petitioners are not satisfied with the decision of the high powered Committee, then they can approach to this Court only if the said Committee grants them permission to avail appropriate legal remedy available to them. The petitioners are at liberty to file such representation to the Chief Secretary of the State of Gujarat, within fifteen days from the date of receipt of certified copy of this order and on receipt of such representation the high powered Committee as aforesaid should be constituted and that representation be decided within three months next by passing a speaking order and a copy of the same may be sent to the petitioners by registered post A.D. The Committee shall take care that all the affected persons are given opportunity of hearing in the matter as far as possible. This Special Civil Application is dismissed subject to the aforesaid directions.

(S.K.Keshote, J)

(sunil)